

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 18, 2008

DIVISION TWO

B918597 People (Not for Publication)
v.
Reynolds

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B917356 People v. Miguel P.
B199378 People v. Fontaine
B193454 People v. Correll
B197500 People v. Jackson
B198797 People v. Sandoval
B197390 People v. Jones

Argument waived, cause submitted.

DIVISION THREE (continued)

B192848 Evans
 v.
 Mutual of Omaha Insurance Co.

Merits:
Argued by Christian Garris for appellant and by Martin E. Rosen for
respondent. Submission is deferred.

B194749 Logan
 v.
 Halford

Merits:
Argued by Daniel Pitkes for appellant. No appearance by the respondent.
Cause submitted.

B201434 Marsh, et al.
 v.
 Jalala

Merits:
Argued by Michael Weiss for appellants and by Leonard D. Nasatir for
respondent. Cause submitted.

B194266 People
 v.
 Persinger

Merits:
Argued by Sunnie Lee Daniels for appellant and by Jonathan J. Kline,
deputy attorney general for respondent. Cause submitted.

DIVISION THREE (continued)

B199047 Pierce, et al.
 v.
 Urbinati, et al.

Merits:

Argued by Eric A. Forstrom for appellants and by John Fuchs for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:34 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B202713 Kim, et al. v. Tao
B202687 Children and Family Services v. Lurie D.
B200560 Children and Family Services v. Dolly B.

Argument waived, cause submitted.

B202929 Fabian P.
 v.
 Superior Court, Los Angeles County
 (Children and Family Services, r.p.i.)

Merits:

Argued by Merrill L. Toole for petitioner and by Frank DaVanzo, deputy county counsel for real party in interest. Cause submitted.

DIVISION THREE (continued)

B195978 Hill, Farrer & Burrill LLP

v.

Twarowski, et al.

Merits:

Argued by Frank Marchetti for appellants and by Scott L. Gilmore for respondent. Cause submitted.

B195047 Westrec Marina Management, Inc.

v.

Royal Indemnity Company

Merits:

Argued by Tommy Quinn Gallardo for appellant and by Teresa Cho for respondents. Cause submitted.

B196260 Abedi, et al.

v.

Heller, et al.

Merits:

Argued by Nicholas Sarris for appellants and by Kyle P. Kelly for respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B197161 People (Not for Publication)
v.
Messrelian

The judgment is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B182156 Fogel et al. (Certified for Publication)
v.
Farmers Group, Inc. et al.

The judgment in favor of defendants is reversed. The matter is remanded and the trial court is directed to enter an order denying defendants' summary judgment motion and granting Fogel's motion to summarily adjudicate the exhaustion of administrative remedies affirmative defense. Fogel shall recover his costs on appeal.

Willhite, Acting P.J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FIVE

B195197 People (Certified for Partial Publication)

V.

Reyas Concha and Julio Hernandez

The abstracts of judgment shall be modified to reflect that Hernandez was sentenced to seven years to life on Count 2, doubled to 14 years based on the prior strike conviction, and that Concha was sentenced to seven years to life on Count 2. The abstracts shall also be corrected to reflect that Hernandez received 496 days of custody credit and that Concha received 489 days of custody credit. In all other respects, the judgments of conviction are affirmed.

Mosk, J.

I concur: Armstrong, J.

I concur: Turner, P.J. (opinion)

B194480 People

V.

Henry Tolliver

Filed order recalling remittitur and vacating opinion filed January 14, 2008.

DIVISION SIX

B200307 People (Not for Publication)

V.

Bongo

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Coffee, J.

March 18, 2008 (Continued)

DIVISION SIX (continued)

B198258 People (Not for Publication)

V.

Leyva

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Coffee, J.

B198466 People (Not for Publication)

V.

Vasquez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B202185 People (Not for Publication)

V.

Coleman

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Perren, J.

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan,.J.
Perren, J.

B186302 People (Not for Publication)
v.
Jackson

The judgment is modified by striking the parole revocation restitution fine imposed pursuant to section 1202.45. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B199301 In re Joseph R.. (Not for Publication)
 Santa Barbara Co. Child Welfare Services,
 v.
 Ruben R., Sr.,.

The judgment (order terminating parental rights pursuant to section 366.26)
is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

B198218 Margaryan (Not for Publication)
 v.
 Ossit et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

B195995 People (Not for Publication)
 v.
 Bynum

The sentence is vacated and the matter is remanded for resentencing. In all
other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (continued)

B193796 People (Not for Publication)
v.
Barrios

The judgment of conviction is affirmed, and the judgment is modified to reflect defendant's presentence custody credits, and the stay on count 2, in accordance with this opinion. The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B176396 Multi-Specialty Surgical Center, Inc. (Not for Publication)
v.
Arden Realty Finance V., L.L.C.

The order denying attorney fees is affirmed. Multi-Specialty Surgical Center, Inc. is to recover its costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B195131 People (Not for Publication)
v.
Castanon

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (continued)

B196858 People (Not for Publication)
v.
Blume

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B199239 People (Not for Publication)
v.
Estaban G.

The juvenile court's order is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B196655 Clayton (Not for Publication)
v.
Taylor et al.,

The judgment of the superior court is reversed with directions. Respondents are to recover their costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

March 18, 2008 (Continued)

DIVISION EIGHT

B196956 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B195860 Isner et al., (Certified for Publication)
v.
Falkenberg/Gilliam & Associates, Inc.,

The judgment is affirmed. Falkenberg shall recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.